



June 11, 2009

VIA ELECTRONIC MAIL TO a-and-rDocket@epa.gov

Environmental Protection Agency
EPA Docket Center (EPA/DC), Mailcode 2822T
Attention Docket ID No. EPA-HQ-OAR-2007-0352
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Risk and Exposure Assessment to Support the Review of the SO₂ Primary National Ambient Air Quality Standards: Second Draft (March 2009)

Docket ID EPA-HQ-OAR-2007-0352

Dear Ladies and Gentlemen:

The National Mining Association (NMA) appreciates this opportunity to comment on the Environmental Protection Agency's (EPA) second draft of its Risk and Exposure Assessment to Support the Review of the Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standards (REA). EPA announced a public comment period on this document April 23, 2009 (74 Fed. Reg. 18,573) and on May 21, extended the comment deadline to June 11, 2009 (74 Fed. Reg. 23,858). NMA is a national trade association of mining and mineral processing companies whose membership includes the producers of most of the nation's coal, metals, industrial and agricultural minerals; the manufacturers of mining and mineral processing machinery, equipment and supplies; and the engineering and consulting firms, financial institutions and other firms serving the mining industry.

NMA is a member of the Utility Air Regulatory Group (UARG) and, in addition to the comments provided herein, endorses the comments and technical information UARG has submitted with regard to this document.

Generally, NMA believes that in the SO₂ REA, EPA has inappropriately analyzed the exposures and risks associated with concentrations of SO₂. EPA analyzed risks from SO₂ at levels far higher than occur in the ambient air. NMA believes that the REA should analyze the risks to the public that actually exist, or that can reasonably be expected to exist, through exposure to the ambient air; not risks that could exist with air quality diminished to just meet National Ambient Air Quality Standards (NAAQS).

Very low health risks are associated with the current ambient air quality that do not justify additional regulation of SO₂ levels. Further, uncertain epidemiological evidence is overstated in the REA. The final REA should take current air quality and actual health risks into consideration, and EPA should reconsider its recommendation that the Administrator adopt a 1-hour primary NAAQS for SO₂.

I. SO₂ Analysis Levels

The REA concludes that the risk and exposure data supports promulgation of a new 1-hour daily maximum standard. REA at 322. This is due, in large measure, to the focus of the analyses in the document on estimated risks and exposures that result when SO₂ levels are represented just within the current primary NAAQS.

EPA recognizes, however, that current air quality is much better than required in order to meet present standards. REA at 53. EPA also recognizes that SO₂ emissions and ambient air levels have trended downward over the course of the past thirty years, and are unlikely to rise in the near term to meet the current NAAQS. REA at 54.

NMA believes that analysis of risk associated with SO₂ if the current NAAQS were just met has no bearing on whether EPA should set a new NAAQS. Under the Clean Air Act (CAA), NAAQS are set for criteria air pollutants when the presence of the substance in the ambient air can reasonably be anticipated to endanger the public health or welfare. CAA § 108(a)(1). Such consideration for SO₂ is unnecessary because SO₂ levels in the ambient air do not present a public health risk, nor is it reasonable to anticipate that such levels will present a public health risk in the future.

II. Current Ambient Air SO₂ Levels Are Acceptable

The risks and exposures of current SO₂ levels demonstrated in ambient air are comparable to or lower than the risks estimated to exist when the recommended 1-hour standard is applied. The comparisons in the REA illustrate why no new NAAQS is needed.

In determining the recommended level at which to set the new standard in order to protect human health, EPA modeled the risks and exposures under a 1-hour standard. The REA analyses demonstrate, however, that current air quality is already protective against human exposure to SO₂ concentrations that is of concern to EPA. NMA questions, therefore, the efficacy of imposing new standards that provide no perceptible improvement over current standards.

III. EPA Should Address Data Discrepancies in the REA

NMA is concerned that certain data relied upon in the REA is inconsistent throughout the document. Inconsistent data leads to inappropriate conclusions and potentially misleading policy decisions.

For Instance, the footnote to Table 10-1 of the REA indicates that the 99th percentile was calculated each year. REA 304. In section 10.5.3, EPA states that it focused on 98th and 99th percentile forms which were averaged over three years. REA 311. It appears, therefore, that the form of the standard would be a three year average of the 99th percentiles of the highest one-hour average each day of the year.

In the last paragraph of section 10.5.3, EPA references Table 10-5 and the Thompson 2009 calculation method. REA 312. EPA noted that because the length of the study periods were not equal, the 99th percentile was calculated using all of the data.

Table 10-5 lists values for Gila County, Arizona. REA 313. There are two monitors listed in Table A.1-3 of Appendix A for Gila County (040070009 and 040071001). The values in Table 10-5 appear to be taken from monitor number 040070009. Comparing the data from that monitor with the data represented in the table, it appears that the data for the 2nd through 9th highest values are correct only when the entire three year period is analyzed. The 98th and 99th percentile values in the table, however, are incorrect as the 99th percentile value for a 3-year period is not the 4th highest value, but rather the 11th highest value. For monitor 04007009 this value is 0.170 ppm. If instead, the 4th highest value for each year is used and then averaged as indicated in sections 10.5.2.2 and 10.5.3, the 3-year average value for monitor 040070009 spanning years 2004 through 2006 is 0.184 ppm. Neither of these two concentrations is equal to the 0.276 ppm value given in Table 10-5 for both the 99th percentile and the 4th highest concentration.

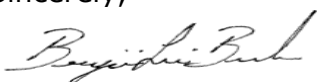
NMA requests that this apparent discrepancy, and others like it throughout the document, be corrected.

IV. Conclusion

NMA endorses the comments submitted by UARG on the REA, particularly in reference to its discussion of the inflated health risk estimates in the REA and the inadequacy of the epidemiological evidence provided in the REA to set a basis for adding a 1-hour SO₂ NAAQS. UARG has also submitted technical comments prepared by CRA International which provides further analysis on the risk assessment.

NMA appreciates this opportunity to participate in this process and to provide the recommendations contained herein.

Sincerely,



Benjamin Brandes
Director, Air Quality